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This PTO/SB/05 (03-01)  
Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. **SD7237/S99864**First Inventor **James J. Allen**Title **Erected Mirror Optical Switch**Express Mail Label No. **EV332387235US****APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

1.  Fee Transmittal Form (e.g., PTO/SB/17)  
*(Submit an original and a duplicate for fee processing.)*

2.  Applicant claims small entity status.  
See 37 CFR 1.27.

Specification [Total Pages **24**]

*(preferred arrangement set forth below)*

- Descriptive title of the invention
- Cross Reference to Related Applications
- Statement Regarding Fed sponsored R & D
- Reference to sequence listing, a table, or a computer program listing appendix
- Background of the Invention
- Brief Summary of the invention
- Brief Description of the Drawings *(if filed)*
- Detailed Description
- Claim(s)
- Abstract of the Disclosure

4.  Drawing(s) (35 U.S.C. 113) [ Total Sheets **13** ]

5. Oath or Declaration [ Total Pages **2** ]

a.  Newly executed (original or copy)

b.  Copy from a prior application (37 CFR 1.63 (d))  
*(for continuation/divisional with Box 18 completed)*

i.  DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s)  
named in the prior application, see 37 CFR  
1.63(d)(2) and 1.33(b).

6.  Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Commissioner for Patents  
P.O. Box 1450  
Arlington, VA 22313-1450

7.  CD-ROM or CD-R in duplicate, large table or  
Computer Program *(Appendix)*

8. Nucleotide and/or Amino Acid Sequence Submission  
*(if applicable, all necessary)*

a.  Computer Readable Form (CRF)

b. Specification Sequence Listing on:

i.  CD-ROM or CD-R (2 copies); or

ii.  paper

c.  Statements verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

9.  Assignment Papers (cover sheet & document(s))

10.  37 CFR 3.753(b) Statement  
*(when there is an assignee)*  Power of  
Attorney

11.  English Translation Document *(if applicable)*

12.  Information Disclosure  
Statement (IDS)/PTO-1449  Copies of IDS  
Citations

13.  Preliminary Amendment

14.  Return Receipt Postcard (MPEP 503)  
*(Should be specifically itemized)*

15.  Certified Copy of Priority Document(s)  
*(if foreign priority is claimed)*

16.  Nonpublication Request under 35 U.S.C. 122  
(b)(2)(B)(i). Applicant must attach form PTO/SB/35  
or its equivalent.

17.  Other:

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment.  
or in an Application Data Sheet under 37 CFR 1.76:

Continuation     Divisional     Continuation-in-part (CIP) of prior application No. \_\_\_\_\_

Prior application information: Examiner: \_\_\_\_\_ Group Art: \_\_\_\_\_

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference.  
The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS**Customer Number **020567**

Name (Print/Type)	John P. Hohimer	Registration No. (Attorney/Agent)	39,226
Signature		Date	1/22/04

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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# FEE TRANSMITTAL FOR FY 2004

Patent fees are subject to annual revision.  
Small Entity payments must be supported by a small entity statement.  
Otherwise large entity fees must be paid. See Forms PTO/SB/09-12.

PTO/SB/17 (12-02)

Approved for use through 09/30/2000. OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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## TOTAL AMOUNT OF PAYMENT

(\$770.00)

## Complete if Known

Application Number	
Filing Date	January 22 2004
First Named Inventor	James J. Allen
Examiner Name	
Group / Art Unit	
Attorney Docket No.	SD7237S99,864

## METHOD OF PAYMENT (check one)

The Commissioner is hereby authorized to charge  
1.  indicated fees and credit any over payments to:

Deposit Account Number **19-0131**  
Deposit Account Name **Sandia Nat'l Labs**

Charge Any Additional  
Fee Required Under  
37 CFR 1.16 and 1.17

## 2. Payment Enclosed:

Check  Money Order  Other

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001	770	2001	385 Utility filing fee	<b>770</b>
1002	340	2002	170 Design filing fee	
1003	530	2003	265 Plant filing fee	
1004	770	2004	385 Reissue filing fee	
1005	160	2005	80 Provisional filing fee	
SUBTOTAL (1)				<b>\$ 770.00</b>

## 2. EXTRA CLAIM FEES

	Extra Claims	Fee from below	Fee Paid
Total Claims	<b>16</b>	-20**= <b>0</b>	X <b>18</b> = <b>0</b>
Independent Claims	<b>2</b>	- 3**= <b>0</b>	X <b>86</b> = <b>0</b>
Multiple Dependent			

\*\*or number previously paid, if greater; For Reissues, see below.

Large Entity Fee Code (\$)	Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202	18	2202	9 Claims in excess of 20
1201	86	2201	43 Independent claims in excess of 3
1203	290	2203	145 Multiple dependent claim, if not paid
1204	86	2204	43 **Reissue independent claims over original patent
1205	18	2205	9 **Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) **(\$)**

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

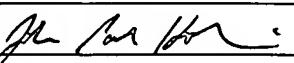
Large Entity Fee Code (\$)	Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051	130	2051	65 Surcharge - late filing fee or oath	
1052	50	2052	25 Surcharge - late provisional filing fee cover sheet	
1053	130		Non-English specification	
1801	770	2801	385 Request for continued examination (RCE)	
1804	920*		Requesting publication of SIR prior to Examiner action	
1805	1,840		Requesting publication of SIR after Examiner action	
1251	110	2251	55 Extension for reply within first month	
1252	420	2252	210 Extension for reply within second month	
1253	950	2253	475 Extension for reply within third month	
1254	1,480	2254	740 Extension for reply within fourth month	
1255	2010	2255	1005 Extension for reply within fifth month	
1401	330	2401	165 Notice of Appeal	
1402	330	2402	165 Filing a brief in support of an appeal	
1403	290	2403	145 Request for oral hearing	
1451	1,510		Petition to institute a public use proceeding	
1452	110	2452	55 Petition to revive - unavoidable	
1453	1,330	2453	665 Petition to revive - unintentional	
1501	1,330	2501	665 Utility issue fee (or reissue)	
1502	480	2502	240 Design issue fee	
1503	640	2503	320 Plant issue fee	
1460	130		Petitions to the Commissioner	
1806	180		Submission of Information Disclosure Statement	
1809	770	2809	385 Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385 For each additional invention to be examined (see 37 CFR 1.129(b))	
Other fee (specify)				
Other fee (specify)				

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) **(\$)**

## SUBMITTED BY

## Complete (if applicable)

Typed or Printed Name	John P. Hohimer	Reg. Number	39,226
Signature		Date	1/22/04

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Mail Stop 1450, Arlington, VA 22313-1450.

<b>NONPUBLICATION REQUEST UNDER 35 U.S.C. 122(b)(2)(B)(i)</b>	First Named Inventor		James J. Allen
	Title	Erected Mirror Optical Switch	
	Atty Docket Number		SD7237S99864

I hereby certify that the invention disclosed in the attached application **has not and will not** be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

January 22, 2004  
\_\_\_\_\_  
Date

John P. Hohimer  
\_\_\_\_\_  
Signature

John P. Hohimer  
Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Application may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**